



Energy Employees Occupational Illness
Compensation Program

Frequently Asked Questions



U.S. Department of Labor
Employment Standards Administration
Division of Energy Employees Occupational Illness Compensation



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U.S. Department of Labor
Elaine L. Chao, Secretary

Employment Standards Administration
Victoria A. Lipnic, Assistant Secretary

Office of Workers' Compensation Programs
Shelby Hallmark, Director

Division of Energy Employees Occupational Illness Compensation
Peter M. Turcic, Director

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1. What is the Energy Employees Occupational Illness Compensation Program?

The Energy Employees Occupational Illness Compensation Program Act (EEOICPA) established a program to provide compensation to employees of the Department of Energy (DOE), its predecessor agencies, and its contractors and subcontractors involved in nuclear weapons production and testing programs. Employees (or their eligible survivors) who have suffered certain illnesses caused by exposure to radiation, beryllium or silica are eligible to receive a lump-sum payment of \$150,000 and payment of the medical expenses of the covered illness from the date of the claim. Uranium miners, millers or transporters (or their eligible survivors) who have been awarded compensation under Section 5 of the Radiation Exposure Compensation Act, are entitled to receive an additional payment of \$50,000 and medical expenses of the covered illness from the date of the claim. Adjudication of claims under the Act is done by the Department of Labor's Office of Workers' Compensation Programs (OWCP).

2. Who is eligible for benefits?

A worker or former worker may be eligible for benefits if:

- ❖ he or she has or had radiation-induced cancers, beryllium diseases or silicosis and
- ❖ he or she was exposed to radiation, beryllium or silica while they were working in the nuclear weapons industry for DOE or its contractors or subcontractors.

Uranium miners, millers and ore transporters may be eligible for benefits if they have received an award of benefits under Section 5 of the Radiation Exposure Compensation Act.

If a covered worker has died, his or her survivors may be eligible for benefits.

3. If a covered worker has died, which survivors are eligible for benefits?

If a covered worker is deceased at the time of payment, certain survivors are eligible to receive benefits, as follows:

- ❖ If the deceased employee is survived by: a spouse (husband or wife who was married to the "covered employee" for at least one year immediately before the death of that individual), the spouse receives the entire lump-sum unless the covered employee was also survived by at least one child of the covered employee who is
 - 1) living and a minor at the time of payment and
 - 2) not a recognized natural child or adopted child of the spouse. In that case the spouse receives one half of the lump-sum and all of the children of the covered employee who are living and minors at the time of payment share one-half of the lump sum equally.
- ❖ If the covered employee is not survived by a spouse but is survived by a child (includes a recognized natural child, a stepchild who lived with an individual in a regular parent-child relationship, and an adopted child), all of the children of the covered employee who are living at the time of payment share the lump sum equally.
- ❖ If the covered employee is not survived by a spouse or children, but is survived by a parent (includes fathers and mothers through adoption),

the parents of the covered employee who are living at the time of payment share the lump sum equally.

- ❖ If the covered employee is not survived by a spouse, children, or parents, but is survived by grandchildren, the grandchildren of the covered employee who are living at the time of payment share the lump sum equally.
- ❖ If the covered employee is not survived by a spouse, children, parents, or grandchildren but is survived by grandparents, the grandparents of the covered employee who are living at the time of payment share the lump sum equally.

4. In general, what proof do survivors need to file claims?

In addition to information about a deceased worker's employment history and illness, a survivor will need proof of his or her relationship to the deceased employee, such as marriage or birth certificates.

5. What do I need to file a claim?

You do not need to use a specific form to initiate a claim, but you will be required to complete either Form EE-1 (employees) or Form EE-2 (survivors) in order for the Department of Labor to adjudicate the claim. Completion of the appropriate form ensures that OWCP has the basic information required to start processing the claim. In the event that additional information is required, the Department of Labor will notify you and provide you an opportunity to submit such information.

- ❖ If you are a worker or former worker, you should complete Form EE-1 "Claim for Benefits under Energy Employees Occupational Illness Compensation Program Act".
- ❖ If you are a survivor, you should complete Form EE-2 "Claim for Survivor Benefits under Energy Employees Occupational Illness Compensation Program Act".

You should also submit:

- ❖ A completed Form EE-3, "Employment History for Claim under Energy Employees Occupational Illness Compensation Program Act".
- ❖ Medical evidence of the illness as outlined in Form EE-7, "Medical Requirements under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA)." See the section on each covered illness for specific medical evidence required. All written medical documentation must be a clear readable copy. Please do not submit original records.

6. How are employment records located for a claim?

Once a claim is submitted, the Department of Labor will seek information concerning the employment history submitted on the Form EE-3 from DOE or its contractors. DOE will certify that it agrees or disagrees with the employment information provided by the employee or that it has no relevant records. In the event that additional information is required, the Department of Labor will ask

you to provide employment records in your possession and, if necessary, assist you in obtaining records from other sources such as Social Security records, pension and union records, statements by co-workers or other contacts.

7. Where can I get a claim form?

The Department of Labor has forms available at these sources:

- ❖ You can download them off the Internet at www.dol.gov.
- ❖ You can request a form from our toll-free call center at 1-866-888-3322.
- ❖ You can pick one up at the closest Resource Center or one of our District Offices (locations listed in this pamphlet).

There are resource centers near:

- ❖ Hanford, Washington
- ❖ Las Vegas, Nevada
- ❖ Oak Ridge, Tennessee
- ❖ Portsmouth, Ohio
- ❖ Savannah River, South Carolina
- ❖ Rocky Flats, Colorado
- ❖ Los Alamos, New Mexico
- ❖ Paducah, Kentucky
- ❖ Anchorage, Alaska
- ❖ Idaho Falls, Idaho

The Labor Department district offices are in Seattle, Washington, Denver, Colorado, Cleveland, Ohio and Jacksonville, Florida.

8. Where should I file my claim for benefits?

You can go to the District Office or Resource Center and file your claim in person, or you can mail it to your District Office. Claims should be submitted to the District Office having jurisdiction of the state where the covered employee last worked. See pages 14 and 15 for a list of the states covered by each District Office.

9. When do I need to file my claim?

You can send in your claim now. There is no deadline, but if you are eligible, medical benefits for your job-related illness start from the date you file your claim.

10. Once I file a claim, how long will I have to wait in order to have a decision issued on my claim?

The length of time necessary to process a claim varies based upon the information available and the complexity of the issues presented. We are working to avoid unnecessary delays.

11. What are the procedures for payment of the lump-sum payment?

At the time a Final Decision is issued by the Final Adjudication Branch that you are entitled to a payment, you will be informed of the amount of the award and sent an "Acceptance of Payment" form. You will have 60 days to accept or reject the offered payment.

12. What are the procedures for obtaining medical care?

Once a determination has been made that a covered employee is entitled to compensation under the EEOICPA,

that employee is entitled to receive, in regard to all medical conditions that have been accepted by OWCP, all necessary medical services, appliances or supplies that a qualified physician prescribes or recommends, retroactive to the date the claim was filed (but not before July 31, 2001).

You do not need to be disabled to receive such treatment. If there is any doubt as to whether a specific service, appliance or supply is necessary to treat the occupational illness, you should consult OWCP prior to obtaining it. Any qualified physician or qualified hospital may provide services, appliances and supplies. A qualified provider of medical support services may also furnish appropriate services, appliances, and supplies. Prescription medications will also be covered.

To seek reimbursement for out-of-pocket expenses for medical treatment, prescription medication and medical supplies, you can complete and submit Form EE-915, "Claim for Medical Reimbursement under Energy Employees Occupational Illness Compensation Program Act." Medical treatment that was provided to an employee who dies before a claim is accepted will be paid, as long as such treatment was provided on or after the date the employee filed the claim (but not before July 31, 2001).

13. Who is eligible for benefits relating to a covered beryllium disease?

You may be eligible if you are a current or former employee of DOE, a DOE contractor or subcontractor or a beryllium vendor who was exposed to beryllium:

- ❖ at a DOE facility or
- ❖ at a facility owned, operated or occupied by a beryllium vendor.

14. What is necessary to establish beryllium sensitivity?

You must establish beryllium sensitivity by providing results from one abnormal LPT performed on either blood or lung lavage cells.

15. What is necessary to establish chronic beryllium disease (CBD)?

For a diagnosis before January 1, 1993:

You can establish chronic beryllium disease by showing a history or epidemiological evidence of exposure to beryllium and any three of the following criteria:

- ❖ Characteristic chest X-ray abnormalities or characteristic CT abnormalities;
- ❖ Restrictive or obstructive lung physiology testing or diffusing lung capacity defect;
- ❖ Lung pathology consistent with chronic beryllium disease;
- ❖ Clinical course consistent with chronic respiratory disorder;
- ❖ Immunologic tests showing beryllium sensitivity (skin patch test or beryllium blood test preferred).

For a diagnosis after January 1, 1993:

You can establish chronic beryllium disease by providing results from an abnormal LPT performed on either blood or lung lavage cells together with lung pathology consistent with chronic beryllium disease, including:

- ❖ A lung biopsy showing granulomas or a lymphocytic process consistent with chronic beryllium disease;

- ❖ A computerized axial tomography scan showing changes consistent with chronic beryllium disease; or
- ❖ Pulmonary function or exercise testing showing pulmonary deficits consistent with chronic beryllium disease.

16. What is considered proof of exposure to beryllium in the performance of duty?

To establish that a claimant was exposed to beryllium in the performance of duty, a claimant needs to establish that the covered employee was either

- ❖ employed at a DOE facility, or
- ❖ present at a DOE or beryllium vendor facility because of employment by the United States, a beryllium vendor or a DOE contractor or subcontractor during a period when beryllium dust, particles or vapor may have been present at such facility. Generally proof of employment at such facilities during periods when beryllium was present will be sufficient to establish exposure to beryllium in the performance of duty.

17. What is the role of the National Institute for Occupational Safety and Health (NIOSH) in this program?

NIOSH is responsible for writing regulations on how to estimate the amount of radiation received by a covered employee at a covered facility. When the Department of Labor concludes that a claim for cancer involves a covered employee who is not a member of the Special Exposure

Cohort, the claim is sent to NIOSH for dose reconstruction. NIOSH is responsible for estimating the radiation dosage received by the employee. This dosage estimate is then used by OWCP to determine whether the cancer was at least as likely as not related to the covered employment.

That determination is made based upon guidelines also developed by NIOSH and incorporated into a computer program that calculates the probability that a claimant's cancer was caused by exposure to radiation.

NIOSH is also responsible for developing procedures for and issuing determinations on petitions by classes of employees to be included in the Special Exposure Cohort.

18. What are the criteria for eligibility for cancer benefits?

To receive compensation as a result of cancer, a worker (or his or her survivor) must establish that the worker is or was an employee of DOE, a DOE contractor or subcontractor, or an atomic weapons employer designated by DOE and sustained a cancer that is determined, through use of guidelines developed by NIOSH, to be at least as likely as not related to employment at a DOE or AWE facility. Any type of cancer may be covered under the EEOICPA.

19. How do you establish membership in the Special Exposure Cohort?

To establish membership in the Special Exposure Cohort, a worker (or his or her survivor) must establish that the worker was an employee of DOE, a DOE contractor or subcontractor, or an atomic weapons employer designated by DOE and was:

- ❖ employed for a total of at least 250 workdays before February 1, 1992, at one or more of the gaseous diffusion plants located in Paducah, Kentucky, Portsmouth, Ohio or Oakridge, Tennessee, and was monitored for exposure to radiation using dosimetry badges or was employed in a job with exposures comparable to a job that was monitored by dosimetry badges;
- ❖ employed before January 1, 1974 by DOE or a DOE contractor or subcontractor on Amchitka Island, Alaska, and was exposed to ionizing radiation in the performance of duty related to the Long Shot, Milrow, or Cannikin underground nuclear tests; or
- ❖ a member of a class of employees designated as members of the Special Exposure Cohort by the Department of Health and Human Services.

20. What are the criteria for eligibility for cancer benefits for members of the Special Exposure Cohort?

To establish eligibility for compensation as a member of the Special Exposure Cohort, a worker (or his or her survivor) must establish that the worker contracted a specified cancer after beginning employment at a DOE or AWE facility.

The specified cancers are:

- ❖ Leukemia (other than chronic lymphocytic leukemia), if onset occurred more than two years after initial exposure;
- ❖ Primary or secondary lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam);

- ❖ bone cancer;
- ❖ renal cancers;

The following diseases provided onset was at least 5 years after first exposure:

- ❖ Multiple myeloma;
- ❖ Lymphomas (other than Hodgkin's disease);

Primary cancer of the:

- ❖ Thyroid;
- ❖ Male or female breast;
- ❖ Esophagus;
- ❖ Stomach;
- ❖ Pharynx;
- ❖ Small intestine;
- ❖ Pancreas;
- ❖ Bile ducts;
- ❖ Gall bladder;
- ❖ Salivary gland;
- ❖ Urinary bladder;
- ❖ Brain;
- ❖ Colon;
- ❖ Ovary;
- ❖ Liver (except if cirrhosis or hepatitis B is indicated).

21. What is considered proof of diagnosis of cancer?

Form EE-7 "Medical Requirements under the EEOICPA" is a set of guidelines regarding evidence that you can use to prove diagnosis of cancer. You will have to provide information regarding the diagnosis of cancer and the date the diagnosis was made.

22. Who is eligible for chronic silicosis benefits?

To establish eligibility for compensation for chronic silicosis, a worker (or his or her survivor) must establish that the worker was an employee of DOE or a DOE contractor who was present for at least 250 workdays at a DOE facility in Nevada or Alaska during tunnel mining for atomic weapons tests or experiments.

23. What is necessary to establish chronic silicosis?

You must provide a written diagnosis of silicosis from a physician, and establish that the silicosis arose at least ten years after the first exposure to silica dust, and any one of the following:

- ❖ results of a chest X-ray, interpreted by a NIOSH certified B reader, showing the existence of pneumoconioses of category 1/0 or higher; or
- ❖ results from a computer assisted tomograph or other imaging technique that are consistent with silicosis; or
- ❖ lung biopsy findings consistent with silicosis.

24. What are the criteria for eligibility for benefits for uranium employees?

To be eligible for benefits from the Department of Labor, a claimant must establish that the Department of Justice has determined that a covered uranium employee was entitled to compensation under Section 5 of the Radiation Exposure Compensation Act and that the claimant was awarded those benefits or is an eligible survivor of the deceased worker.

DISTRICT OFFICE LOCATIONS

District Office 1 – Jacksonville, Florida

(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee)

U.S. Department of Labor, DEEOIC
214 North Hogan Street Suite #910
Jacksonville, FL 32202
(904) 357-4705 (Main #)
(904) 357-4704 (Fax #)
(877) 336-4272 (Toll Free #)
Regional Director: Nancy Ricker
District Director: William Franson

District Office 2 – Cleveland, Ohio

(Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia, West Virginia and Wisconsin)

U.S. Department of Labor, DEEOIC
1001 Lakeside Avenue, Suite #350
Cleveland, OH 44114
(216) 802-1300 (Main #)
(216) 802-1308 (Fax #)
(888) 859-7211 (Toll Free #)
Regional Director: Nancy Jenson
District Director:

District Office 3 – Denver, Colorado

(Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming and all claims from RECA Section 5 awardees)

U.S. Department of Labor, DEEOIC
1999 Broadway Suite #1120
P.O. Box 46550
Denver, CO 80201-6550
(720) 264-3060 (Main #)
(720) 264-3099 (Fax #)
(888) 805-3389 (Toll Free #)
Regional Director: E. Martin Walker
Deputy Regional Director/
District Director: Robert Mansanares
Assistant District Director: Kevin Peterson

District Office 4 – Seattle, Washington

(Alaska, Arizona, California, Idaho, Hawaii, Marshall Islands, Nevada, Oregon and Washington)

U.S. Department of Labor, DEEOIC
719 2nd Avenue, 6th Floor, Suite #601
Seattle, Washington 98104
(206) 373-6750 (Main #)
(206) 373-6798 (Fax #)
(888) 805-3401 (Toll Free #)
Regional Director: Edward Bounds
District Director: Christy Long

RESOURCE CENTERS

Augusta Resource Center

1708 Bunting Drive
North Augusta, SC 29841
(803) 279-2728(Main)
(803)279-0146(Fax)
(866) 666-4606 (toll-free)
srs.center@eh.doe.gov

Espanola Resource Center

412 Paseo De Onate Suite "D"
Espanola, NM 87532
(505) 747-6766(Main)
(505) 747-6765(Fax)
(866) 272-3622 (toll-free)
espanola.center@eh.doe.gov

Idaho Falls Resource Center

Exchange Plaza
1820 East 17th Street Suite 375
Idaho Falls, ID 83404
(208) 523-0158(Main)
(208) 557-0551(Fax)
(800) 861-8608 (toll-free)
idaho.center@eh.doe.gov

Las Vegas Resource Center

Flamingo Executive Park
1050 East Flamingo Road
Suite W-156
Las Vegas, NV 89119
(702) 697-0841(Main)
(702) 697-0843(Fax)
(866) 697-0841 (toll-free)
vegas.center@eh.doe.gov

Oak Ridge Resource Center

Jackson Plaza Complex
800 Oak Ridge Turnpike
Suite C-103
Oak Ridge, TN 37830
(865) 481-0411(Main)
(865) 481-8832(Fax)
(866) 481-0411 (toll-free)
or.center@eh.doe.gov

Paducah Resource Center

Barkley Center, Unit 125
125 Memorial Drive
Paducah, KY 42001
(270) 534-0599(Main)
(270) 534-8723(Fax)
(866) 534-0599 OR
(888) 654-9922 (toll-free)
paducah.center@eh.doe.gov

Portsmouth Resource Center

4320 Old Scioto Trail
Portsmouth, OH 45662
(740) 353-6993(Main)
(740) 353-4707(Fax)
(866) 363-6993 (toll-free)
portsmouth.center@eh.doe.gov

Hanford Resource Center

1029 N. Kellogg Street
Kennewick, WA 99336
(509) 783-1500 (Main)
(509) 783-0651(Fax)
(888) 654-0014 (toll-free)
hanford.center@eh.doe.gov

Anchorage Resource Center

2501 Commercial Drive
Anchorage, AK 99501
(907) 258-4070(Main)
(907) 258-4240(Fax)
(888) 908-4070 (toll-free)
doecomp@acsalaska.net

Rocky Flats Resource Center

8758 Wolff Court
Suite #201
Westminster, Colorado 80030
(720) 540-4977(Main)
(720) 540-4976(Fax)
(866) 540-4977 (toll-free)
denver.center@eh.doe.gov